

9200/2882  
Docket No. 703427.6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/046,416 Confirmation No.: 3295  
Applicant : Arthur R. Telkamp et al.  
Filing Date : 10/19/2001  
Title : 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF MOVABLE  
LIGHT GUIDING MICROSTRUCTURES  
Group Art Unit : Not Assigned  
Examiner : Not Assigned  
Docket No. : 703427.6  
Customer No. : 34313

**PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT**  
**UNDER 37 C.F.R. § 1.181(a)**

MAIL STOP OFFICE OF PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

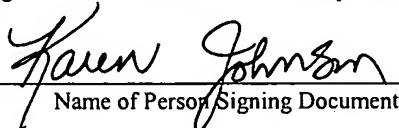
Applicants hereby petition under 37 C.F.R. § 1.181(a) that the Notice of Abandonment for the above-referenced application be withdrawn, and that the application proceed to issuance on the grounds that the reply to the Notice of Missing Parts was timely filed by the Applicants and received by the Patent Office.

The Notice of Abandonment, mailed on 12/29/2003, a copy of which is attached as Exhibit "A," states that the application became abandoned due to the Applicants' failure to reply to the Notice to File Missing Parts ("Notice") mailed on 4/5/2002. The Notice required

CERTIFICATE OF MAILING  
(37 C.F.R. § 1.8a)

I have reasonable basis to expect that this paper (along with any referred to as being attached or enclosed) would be mailed from the United States Postal Service on the date indicated with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231

Date: January 14, 2004

  
Name of Person Signing Document

DOCSOC1:146424.1  
703427-6 M55

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TECHNOLOGY CENTER 2800

Applicants to submit both a declaration pursuant to 37 CFR § 1.63 and substitute drawings. The declaration and substitute drawings were submitted in reply by June 5, 2002. A copy of the return postcard, indicating that the full reply was received by the Patent Office on June 11, 2002, is enclosed as Exhibit "B." Copies of the transmittal and accompanying documents, which include the declaration and substitute drawings at issue, are attached as Exhibit "C." The transmittal indicates that the declaration and substitute drawings were attached, and also indicates that the reply was mailed by June 5, 2003.

The reply also included an assignment as indicated on the return postcard (Exhibit B) and transmittal (Exhibit C). A Notice of Recordation of Assignment, indicating receipt and recordation of the assignment by the Patent Office on June 11, 2003, is enclosed as Exhibit "D." This Notice of Recordation is further proof, in addition to the return postcard and transmittal, that the reply to the Notice of Missing Parts was received by the Patent Office on June 11, 2003.

Petition Fee

Applicants believe that no fee is due because this is a PTO error. If Applicants are incorrect in this regard, the Commissioner is authorized to charge Orrick, Herrington & Sutcliffe's Deposit Account No. 150665 for any petition fee due.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Date: January 14, 2004

By



Mark Stirrat, Reg. No. 50,756  
Attorney for Applicants

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Irvine, CA 92614-2558  
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949/567-6710 Facsimile



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/046,416	10/19/2001	Arthur R. Telkamp	703427.6

CONFIRMATION NO. 3295

ABANDONMENT/TERMINATION  
LETTER

\*OC000000011568556\*

34313  
 ORRICK, HERRINGTON & SUTCLIFFE, LLP  
 4 PARK PLAZA  
 SUITE 1600  
 IRVINE, CA 92614-2558

Date Mailed: 12/29/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/05/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

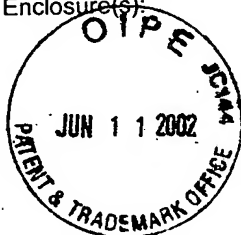
268/001  
W.O.

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: Arthur R. Telkamp et al.  
Serial No.: 10/046,416  
For: 1 X N OR N X 1 OPTICAL SWITCH HAVING A PLURALITY OF  
MOVABLE LIGHT GUIDING MICROSTRUCTURES  
Filed: October 19, 2001

### TRANSMITTAL OF MISSING PARTS

Attorney(s): David E. Wang  
Docket No.: 268/001  
Date of Deposit: June 5, 2002 via **FIRST CLASS MAIL**  
Enclosure(s): Transmittal of Missing Parts; Declaration; Assignment with  
Recordation Form Cover Sheet; Power of Attorney; copy of  
Notice to File Missing Parts; Substitute Drawings (20 sheets);  
Return postcard



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